



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 150  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,320	11/16/2001	Francis M. Lacan	CHA920010022US1	8419

23550 7590 09/27/2005

HOFFMAN WARNICK & D'ALESSANDRO, LLC  
75 STATE STREET  
14TH FL  
ALBANY, NY 12207

EXAMINER	\
----------	---

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
----------	--------------

2136

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,320

Applicant(s)

LACAN ET AL.

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/20/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-24 are pending and have been examined.

#### *Drawings*

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the handwritten reference characters on figures 1 and 3 are not clear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32 (page 19, perhaps it was intended "referring back to fig. 2"), 100A-F (fig 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The abstract of the disclosure is objected to because it appears to be missing the word "is" between "data" and "maintained" in line 5. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: "CRT", "LED" (page 8, line 21); "XML" (page 11, line 13). While well known in the art, these terms have not been defined.

***Claim Objections***

6. Claim 17 is objected to because of the following informalities: the first limitation of the claim ends with a period ("."), perhaps a semi-colon (";") was intended.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. **Claims 1, 3-4, 6-7, 9-11, 16, 18-20, and 22-24 are rejected under 35 U.S.C. 102(a) as being anticipated by O'Flaherty et al. (US Patent Number 6,275,824, hereinafter "O'Flaherty").**

**Regarding claim 1**, O'Flaherty teaches a data management system, comprising: an access control system for limiting access to the data management system to authorized entities (column 11, lines 35-60); a data confidentiality system for identifying and concealing confidential details in received data (column 8, lines 10-61); a data storage system for storing the received data (column 4, lines 1-67); and a data update system for examining stored data to identify and expose non-confidential details (column 4, lines 60-67, column 5, lines 1-63).

**Regarding claim 16**, O'Flaherty teaches a method for managing data, comprising: receiving data in a secured manner from an authorized provider (column 11, lines 35-60); identifying and concealing confidential details in the received data (column 8, lines 10-61); storing the received data (column 4, lines 1-67); and updating the stored data by identifying and exposing non-confidential details in the stored data (column 4, lines 60-67, column 5, lines 1-63).

**Regarding claim 20**, O'Flaherty teaches a program product stored on a recordable medium for managing data, which when executed, comprises: an access control system for limiting access to the data management system to authorized entities (column 11, lines 35-60); a data confidentiality system for identifying and concealing confidential details in received data (column 8, lines 10-61); a data storage system for storing the received data (column 4, lines 1-67); and a data update system for examining stored data to identify and expose non-confidential details (column 4, lines 60-67, column 5, lines 1-63).

**Regarding claims 3, 18, and 22**, O'Flaherty teaches wherein stored data is analyzed with a data analysis system (column 9, lines 55-67, column 10, lines 1-49).

**Regarding claims 4, 19, and 23**, O'Flaherty teaches wherein the data analysis system is permitted to analyze the stored data based upon approval by full rights members of the data management system (column 8, lines 10-67).

**Regarding claim 6**, O'Flaherty teaches wherein the received data and the stored data are operational risk data (column 4, lines 1-67).

**Regarding claim 7**, O'Flaherty teaches wherein the system mitigates operational risk (column 4, lines 1-67).

**Regarding claim 9**, O'Flaherty teaches wherein the confidential details cannot be accessed by any entity (column 5, lines 15-67).

**Regarding claim 10**, O'Flaherty teaches wherein the confidential details can only be accessed by a plurality of entities acting in concert (column 9, lines 15-55).

**Regarding claim 11**, O'Flaherty teaches a customer relationship management tool for verifying a policy of an entity (column 11, lines 5-67).

**Regarding claim 24**, O'Flaherty teaches wherein the received data is operational risk data (column 4, lines 1-67).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty.**

Regarding claim 5, O'Flaherty does not expressly disclose wherein data management system is a tamper resistant, tamper evident, tamper sensitive, tamper reactive. However, Examiner takes Official Notice that the use of tamper resistant/evident/sensitive/reactive systems was conventional and well known.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a tamper resistant/evident/sensitive/reactive system since Examiner takes Official Notice that it was conventional and well known.

**11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty, and further in view of Scott et al. (US Patent Application Publication 2002/0082996, hereinafter "Scott").**

Regarding claim 8, O'Flaherty does not expressly disclose wherein data is received based upon a randomly generated time interval. However, Scott teaches wherein data is received based upon a randomly generated time interval (page 3, paragraph 28). Therefore, it would have been obvious to one having ordinary skill in the



Art Unit: 2136

art at the time the invention was made to receive data at randomly generated time intervals. One of ordinary skill in the art would have been motivated to do so to provide flexibility on receiving data.

**12. Claims 2, 12-15, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty, and further in view of Howard, JR. et al. (US Patent Application Publication 2001/0026619, hereinafter "Howard").**

Regarding claims 2, 17, and 21, O'Flaherty teaches a data decryption system for decrypting received data (column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60); approving systems for analyzing the stored data (column 4, lines 35-60). O'Flaherty does not expressly disclose a data verification system for verifying an accuracy of received data. O'Flaherty does teach using encryption (column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60). Furthermore, Examiner takes Official Notice that verifying accuracy of received data was conventional and well known (i.e. using digital signatures). O'Flaherty does not expressly disclose a key security system for protecting encryption keys. However, Howard teaches a key security system for protecting encryption keys (page 12, paragraphs 164-165). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to verify the accuracy of the received data and to use a key security system for protecting encryption keys. One of ordinary skill in the art would have been motivated to do so because verifying the accuracy of received data was conventional and well known, and to provide secure management of key material (Howard, page 1, paragraphs 1-16).

**Regarding claim 12**, O'Flaherty teaches a data management system, comprising: an access control system for limiting access to the data management system to authorized entities (column 11, lines 35-60); a data decryption system for receiving and decrypting received operational risk data (column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60); a data confidentiality system for identifying and concealing confidential details in the received data (column 8, lines 10-61); a data storage system for storing received data after the confidential details have been concealed (column 4, lines 1-67); a data update system for examining stored data to identify and expose non-confidential details (column 4, lines 60-67, column 5, lines 1-63); a program approval system for approving systems for analyzing the stored data (column 4, lines 35-60). O'Flaherty does not expressly disclose a key security system for protecting encryption keys. However, Howard teaches a key security system for protecting encryption keys (page 12, paragraphs 164-165). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a key security system for protecting encryption keys. One of ordinary skill in the art would have been motivated to do so to provide secure management of key material (Howard, page 1, paragraphs 1-16).

**Regarding claim 13**, the combination of O'Flaherty and Howard teaches the limitations as set forth under claim 12 above. Furthermore, O'Flaherty teaches wherein stored data is analyzed with a data analysis system (column 9, lines 55-67, column 10, lines 1-49).

**Regarding claim 14**, the combination of O'Flaherty and Howard teaches the limitations as set forth under claim 13 above. Furthermore, O'Flaherty teaches wherein the data analysis system is permitted to analyze the stored data based upon approval by full rights members of the data management system (column 8, lines 10-67).

**Regarding claim 15**, the combination of O'Flaherty and Howard teaches the limitations as set forth under claim 12 above. Furthermore, O'Flaherty teaches wherein a provider submits the operational risk data to the data management system, and wherein a requester accesses the stored data (column 4, lines 1-67, column 5, lines 1-67, column 11, lines 35-60).

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication 2004/0049679 to Meggle disclose using a tamper resistant/tamper evident authentication device. US Patent Numbers 6,224,486 and 6,425,828 to Walker et al. disclose the use of tamper evident/resistant/reactive/sensitive systems/memory.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

*Cel*  
Primary Examiner  
AU2131  
9/23/05